

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NATIONAL BEVERAGE SYSTEMS, INC.,

Hon. Lawrence P. Zatkoff

Plaintiff,

v.

Case. No.: 12-10658-LPZ-MAR

LEONARD FOUNTAIN SPECIALTIES, INC.  
d/b/a LEONARD'S SYRUP,

Defendant.

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**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY (DKT. NO. 29)**

This matter is before the Court on Plaintiff National Beverage Systems, Inc.'s motion to compel discovery (Dkt. No. 29). The Court has read the parties submissions (Dkt. Nos. 29, 33, and 35) and heard oral argument on December 11, 2012. For the reasons stated on the record, and being otherwise fully advised, the Court **ORDERS** as follows:

On or before, **January 11, 2013**, Defendant shall provide to Plaintiff the following documents and responses:

**Document Request No. 3**

Defendant's objections are sustained. No further response is required

**Document Request No. 6**

Defendant shall produce copies of all contracts entered into with any Coney Island since 2005. On or before December 21, 2012, Plaintiff shall specify any further contracts to be produced (where injury to its business caused by Defendant is alleged).

**Document Request No. 7**

On or before December 21, 2012, Plaintiff shall supply a list of customers (believed to be successfully or unsuccessfully solicited by Defendant). Defendant shall then respond to this Request with respect to the customers specified.

**Document Request No. 11**

Defendant represents that these documents have been provided.

**Document Request No. 14**

Defendant shall produce a list of all lawsuits filed against its competitors and copies of all related complaints that are in its possession or control.

**Document Request No. 15**

Defendant shall fully respond to this Request.

**Document Request No. 16**

Defendant shall produce samples of the specific categories of documents for 10 representative customers. Plaintiff may request additional documents after reviewing the samples.

**Interrogatory No. 3**

Defendant shall produce a list of its customers since 2003. On or before December 21, 2012, Plaintiff may request – and Defendant shall provide – the geographic location of its customers (as a percentage) by zip code, city or county.

**Interrogatory No. 4**

Defendant shall respond to this interrogatory as it relates to all sales, managerial, administrative or executive employees or officers.

**Interrogatory No. 5**

Defendant shall fully respond to this interrogatory.

Defendant shall also produce average cost and average pricing data for 2010 to present along with the specific data that underlies the calculation.

Dates for responses may be extended if agreed to in writing.

**IT IS ORDERED.**

s/Mark A. Randon  
MARK A. RANDON  
UNITED STATES MAGISTRATE JUDGE

Dated: December 11, 2012

*Certificate of Service*

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, December 11, 2012, by electronic and/or first class U.S. mail.*

s/Melody R. Miles  
Case Manager to Magistrate Judge Mark A. Randon